

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

CHARLES HARRIS, #K5661

PETITIONER

VS.

CIVIL ACTION NO. 3:05-CV-44BS

LAWRENCE KELLY AND JIM HOOD

RESPONDENTS

OPINION AND ORDER

This cause is before the Court on the Motion for Summary Judgment of Petitioner Charlie Harris, filed on September 29, 2005, under docket entry no. 13. Petitioner urges that he is entitled to summary judgment on his Petition for Writ of Habeas Corpus because Respondents failed to answer his Petition in a timely fashion.

Although Petitioner originally filed his Petition on January 19, 2005, he moved for voluntary dismissal of the Petition, which the court granted on March 25, 2005. On June 10, 2005, Petitioner moved to reinstate his Petition. The court granted Petitioner's Motion to Reinstate in an Order rendered on August 16, 2006 ("August 16 Order"). The August 16 Order also instructed Respondents to file their Answer to the Petition within twenty days. After Respondents' Answer was not filed within 20 days of the August 16 Order, Petitioner moved for summary judgment.

After considering Petitioner's Motion, the Court finds that it is not well taken. In response to the devastation caused by Hurricane Katrina, which came ashore in Mississippi on August 29,

2005, Chief United States District Court Judge Henry T. Wingate rendered an administrative order on September 2, 2005 ("September 2 Order") that applied to this case. The September 2 Order extended all filing deadlines in this district that accrued from August 29, 2005, through October 17, 2005, until October 17, 2005. Because the deadline for Respondents to file an Answer fell in this time frame, their deadline was extended until October 17, 2005. Although Respondents did not file an Answer before October 17, 2005, they did file a Motion for Extension of Time to File Answer on October 13, 2005, which the court granted. Respondents have since filed a Answer to the pending Petition within the additional time granted by the court.

Accordingly, Petitioner's Motion for Summary Judgment must be denied.

IT IS THEREFORE ORDERED that the Motion for Summary Judgment of Petitioner Charles Harris [docket entry no. 13] is hereby denied.

SO ORDERED this the 28th day of July, 2006.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

blj